

LEGISLATIVE BILL 830

Approved by the Governor April 17, 2002

Introduced by Bromm, 23

AN ACT relating to motor vehicles; to amend sections 60-107, 60-108, 60-112, 60-117, 60-129, 60-130, 60-131, 60-310, 60-311.12, 60-319, and 60-2603, Reissue Revised Statutes of Nebraska, sections 60-106, 60-110, 60-311.11, 60-311.23, 60-315.01, and 60-328, Revised Statutes Supplement, 2000, and sections 60-302 and 60-315, Revised Statutes Supplement, 2001; to change provisions relating to certificates of title, motor vehicle registration, and license plates; to provide a penalty; to change fee collection and distribution provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-106, Revised Statutes Supplement, 2000, is amended to read:

60-106. (1) ~~(a) The Department of Motor Vehicles in conjunction with the Department of Administrative Services and the counties shall develop an implementation plan to provide for adequate planning preceding a mandate for the implementation of the vehicle titling and registration component system of the statewide county automation project. The implementation plan shall include installation costs, training, and any other costs associated with the project.~~

~~(b) The Department of Motor Vehicles shall submit the implementation plan on or before December 1, 1993, to the Governor and the Clerk of the Legislature. Each member of the Legislature shall receive a copy of such report by making a request for it to the Director of Motor Vehicles or the Director of Administrative Services.~~

~~(c) Each county shall issue and file certificates of title using the vehicle titling and registration computer system prescribed by the Department of Motor Vehicles. by January 1, 1996.~~

(2) (a) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles. All applications shall be accompanied by the fee prescribed in section 60-115.

(b) All applications for a certificate of title to a mobile home as defined in subdivision (2) of section 60-614 shall be accompanied by a mobile home transfer statement prescribed by the Property Tax Administrator. The mobile home transfer statement shall be filed by the applicant with the county clerk of the county of application for title. The county clerk shall issue a certificate of title to a mobile home but shall not deliver the certificate of title unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer statement shall not prevent the notation of a lien on the face of the certificate of title to the mobile home pursuant to section 60-110 and delivery to the holder of the first lien. The county clerk shall retain the original copy of the mobile home transfer statement, forward two copies to the county assessor, and provide a copy to the applicant.

(3) (a) If the motor vehicle has situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has situs as defined in section 60-3001.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(c) All applicants registering a vehicle pursuant to section 60-305.09 shall file the application for title to the vehicle with the Division of Motor Carrier Services of the Department of Motor Vehicles. The division shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the division shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the division shall be issued in the manner prescribed for the county clerk in section 60-107.

(4) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section 52-1801, the application, unless otherwise provided for in sections 60-102 to

60-117, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the motor vehicle was brought into this state does not have a certificate of title law. If the application for a certificate of title in this state is accompanied by a valid certificate of title issued by another state which meets that state's requirements for transfer of ownership, then the application may be accepted by this state. For purposes of this subsection, certificate of title shall include a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. Only a salvage branded certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. If a certificate of title has not previously been issued for the vehicle in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 60-111.01. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(5) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(6) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that (a) for titles to be held by husband and wife, applications may be accepted upon the signature of either one as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section 18-1738, applications may be accepted upon the signature of the applicant's parent, legal guardian, foster parent, or agent.

(7) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within thirty days after the delivery of such vehicle or trailer. A licensed dealer need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such vehicle or trailer or an assignment of a manufacturer's or importer's certificate. If all reassignments on the certificate of title have been used, the licensed dealer shall obtain title in his or her name prior to any subsequent transfer.

(8) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage branded certificate of title ~~as defined in section 60-129~~ or a nontransferable certificate of title provided for in section 60-131, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 60-131, (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09, (d) the vehicle is a cabin trailer, (e) the title sought is the first title for a motor vehicle sold directly by the manufacturer of the motor vehicle to a licensed dealer franchised by the manufacturer, or (f) the vehicle was sold at an auction authorized by the manufacturer and purchased by a licensed dealer franchised by the manufacturer of the motor vehicle. The Department of Motor Vehicles shall prescribe a form to be executed by a dealer and submitted with an application for a certificate of title for vehicles exempt from inspection pursuant to subdivision (8)(e) or (f) of this section, which form shall clearly identify the vehicle and state under penalty of law that the vehicle is exempt from inspection. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of any county or by any other holder of a current certificate of training issued pursuant to section 60-121 and shall be in a format as determined by the department. The county clerk shall accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a

state police agency of another state. For each inspection a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical, if there is reason to believe further inspection is necessary, or if the inspection is for a Nebraska assigned number, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

(9) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186:

(a) Applications under subsections (2) and (3) of this section shall be submitted to the designated county official;

(b) The designated county official shall perform the duties imposed on the county clerk under subsections (2) and (5) of this section;

(c) The designated county official may accept certificates of inspection under the conditions described in subsection (8) of this section; and

(d) The designated county official shall act as office of record for title documents, applications, odometer statements, certificates of inspections, and lien and cancellation of lien notations.

Sec. 2. Section 60-107, Reissue Revised Statutes of Nebraska, is amended to read:

60-107. (1) The county clerk shall issue the certificate of title in triplicate. All certificates of title shall be typewritten. One copy shall be retained by the county clerk duplicate and retain one copy in his or her office. An electronic copy, in a form prescribed by the Department of Motor Vehicles, and the other copy shall be transmitted, postage prepaid, on the day of issuance to the Department of Motor Vehicles department. The county clerk shall sign and affix his or her seal to the original certificate of title and, if there are no liens on the motor vehicle, deliver the certificate to the applicant. If there are one or more liens on the motor vehicle, the certificate of title shall be delivered or mailed to the holder of the first lien on the day of issuance. For the purpose of sections 60-102 to 60-117, the county clerks of the various counties shall adopt a circular seal with the words County Clerk of (insert name) County thereon. Such seal shall be used by the county clerk or the deputy or legal authorized agent of such officer, without charge to the applicant, on any certificate of title, application for certificate of title, duplicate copy, assignment or reassignment, power of attorney, statement, or affidavit pertaining to the issuance of a Nebraska certificate of title.

(2) The department shall prescribe a uniform method of numbering certificates of title.

(3) The county clerk shall (a) file all certificates of title according to rules and regulations to be prescribed adopted and promulgated by the department, (b) maintain in the office indices for such certificates of title, (c) be authorized to destroy all previous records five years after a subsequent transfer has been made on a vehicle, and (d) be authorized to destroy all certificates of title and all supporting records and documents which have been on file for a period of five years or more from the date of filing the certificate or a notation of lien, whichever occurs later.

(4) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186:

(a) The designated county official shall issue the certificate of

title pursuant to subsections (1), (2), and (3) of this section on forms which have the signature of the designated county official and seal of the county; and

(b) The original certificate shall be delivered to the applicant if there are no liens or to the designated county official who shall transmit the original to the holder of the first lien, and the ~~copies~~ copy shall be delivered to the designated county official who shall retain ~~one~~ the copy and transmit ~~the other~~ an electronic copy to the department as prescribed.

Sec. 3. Section 60-108, Reissue Revised Statutes of Nebraska, is amended to read:

60-108. (1) The Department of Motor Vehicles shall adopt and promulgate rules and regulations to insure uniform and orderly operation of Chapter 60, article 1, and the county clerks of all counties shall conform to such rules and regulations and act at the direction of the department. The department shall also provide the county clerks with the necessary training for the proper administration of Chapter 60, article 1. The department shall receive ~~and file in its office~~ all instruments forwarded to it by the county clerks under Chapter 60, article 1, and shall maintain indices covering the state at large for the instruments so ~~filed~~ received. These indices shall be by motor number or by an identification number as provided for in section 60-302 and alphabetically by the owner's name and shall be for the state at large and not for individual counties. The department shall provide and furnish the forms required by section 60-114, except manufacturers' or importers' certificates.

(2) The department shall check with its records all duplicate certificates of title received from the county clerks. If it appears that a certificate of title has been improperly issued, the department shall cancel the same. Upon cancellation of any certificate of title, the department shall notify the county clerk who issued the same, and such county clerk shall thereupon enter the cancellation upon his or her records. The department shall also notify the person to whom such certificate of title was issued, as well as any lienholders appearing thereon, of the cancellation and shall demand the surrender of such certificate of title, but the cancellation shall not affect the validity of any lien noted thereon. The holder of such certificate of title shall return the same to the department forthwith. If a certificate of registration has been issued to the holder of a certificate of title so canceled, the department shall immediately cancel the same and demand the return of such certificate of registration and license plates or tags, and the holder of such certificate of registration and license plates or tags shall return the same to the department forthwith.

(3) The county clerk shall keep on hand a sufficient supply of blank forms which, except certificate of title and forms, shall be furnished and distributed without charge to manufacturers, licensed dealers, or other persons residing within the county.

(4) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186, the designated county official shall conform to the applicable rules and regulations of the department, shall take the training provided by the department, and shall keep on hand a sufficient supply of blank forms which, except for certificate of title and forms, shall be furnished and distributed without charge to manufacturers, licensed dealers, or other persons residing within the county.

Sec. 4. Section 60-110, Revised Statutes Supplement, 2000, is amended to read:

60-110. The provisions of article 9, Uniform Commercial Code, shall never be construed to apply to or to permit or require the deposit, filing, or other record whatsoever of a security agreement, conveyance intended to operate as a mortgage, trust receipt, conditional sales contract, or similar instrument or any copy of the same covering a motor vehicle. Any mortgage, conveyance intended to operate as a security agreement as provided by article 9, Uniform Commercial Code, trust receipt, conditional sales contract, or other similar instrument covering a motor vehicle, if such instrument is accompanied by delivery of such manufacturer's or importer's certificate and followed by actual and continued possession of the same by the holder of such instrument or, in the case of a certificate of title, if a notation of the same has been made by the county clerk or the Department of Motor Vehicles on the face thereof, shall be valid as against the creditors of the debtor, whether armed with process or not, and subsequent purchasers, secured parties, and other lienholders or claimants but otherwise shall not be valid against them, except that during any period in which a motor vehicle is inventory, as defined in section 9-102, Uniform Commercial Code, held for sale by a person or corporation that is licensed as provided in Chapter 60, article 14, and is

in the business of selling motor vehicles, the filing provisions of article 9, Uniform Commercial Code, as applied to inventory, shall apply to a security interest in such motor vehicle created by such person or corporation as debtor without the notation of lien on the instrument of title. A buyer at retail from a licensed dealer of any vehicle which is subject to Chapter 60, article 14, in the ordinary course of business shall take such vehicle free of any security interest.

Subject to the foregoing, all liens, security agreements, and encumbrances noted upon a certificate of title shall take priority according to the order of time in which the same are noted thereon by the county clerk or the Department of Motor Vehicles. Exposure for sale of any motor vehicle by the owner thereof with the knowledge or with the knowledge and consent of the holder of any lien, security agreement, or encumbrance on such motor vehicle shall not render the same void or ineffective as against the creditors of such owner or holder of subsequent liens, security agreements, or encumbrances upon such motor vehicle.

The holder of a security agreement, trust receipt, conditional sales contract, or similar instrument, upon presentation of such instrument to the department, if the certificate of title was issued by the department, or to any county clerk of the county where such certificate of title was issued or, if issued by the department, to the department together with the certificate of title and the fee prescribed by section 60-115, may have a notation of such lien made on the face of such certificate of title. The county clerk or the department shall enter the notation and the date thereof over the signature of such officer or deputy and the seal of office. ~~and shall also note such lien and the date thereof on the duplicate of same on file.~~ If noted by a county clerk, he or she shall on that day notify the department which shall note the lien on its records. The county clerk or the department shall also indicate by appropriate notation and on such instrument itself the fact that such lien has been noted on the certificate of title.

The county clerk or the department, upon receipt of a lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments together with the fee prescribed for notation of lien, shall notify the first lienholder to deliver to the county clerk or the department, within fifteen days from the date of notice, the certificate of title to permit notation of such junior lien and, after such notation of lien, the county clerk or the department shall deliver the certificate of title to the first lienholder. The holder of a certificate of title who refuses to deliver a certificate of title to the county clerk or the department for the purpose of showing a junior lien on such certificate of title within fifteen days from the date when notified to do so shall be liable for damages to such junior lienholder for the amount of damages such junior lienholder suffered by reason of the holder of the certificate of title refusing to permit the showing of such lien on the certificate of title.

When such lien is discharged, the holder shall, within fifteen days after payment is received, note a cancellation of the lien on the face of the certificate of title over his, her, or its signature and deliver the certificate of title to the county clerk or the department which shall note the cancellation of the lien on the face of the certificate of title and on the records of such office. If delivered to a county clerk, he or she shall on that day notify the department which shall note the cancellation on its records. The county clerk or the department shall then return the certificate of title to the owner or as otherwise directed by the owner. The cancellation of lien shall be noted on the certificate of title without charge.

If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186, the designated county official shall make notations of all liens and cancellation of liens on motor vehicles and collect fees pursuant to section 60-115.

Sec. 5. Section 60-112, Reissue Revised Statutes of Nebraska, is amended to read:

60-112. (1) In the event of a lost or destroyed certificate of title, the owner of the motor vehicle or the holder of a lien on the motor vehicle shall apply, upon a form prescribed by the Department of Motor Vehicles, to the department, if the certificate of title was issued by the department, or to any county clerk of the county where such certificate of title was issued or, if issued by the department, to the department for a certified copy of the certificate of title and shall pay the fee prescribed by section 60-115. The application shall be signed and sworn to by the person making the application or a person authorized to sign under subsection (6) of section 60-106. Thereupon the county clerk, with the approval of the department, or the department shall issue a certified copy of the certificate

of title to the person entitled to receive the certificate of title under sections 60-102 to 60-117. If the county clerk's records of the title have been destroyed pursuant to section 60-107, the county clerk shall issue a duplicate certificate of title to the person entitled to receive the same upon such showing as the county clerk may deem sufficient. If the applicant cannot produce such proof of ownership, he or she may apply directly to the department and submit such evidence as he or she may have, and the department may, if it finds the evidence sufficient, authorize the county clerk to issue a duplicate certificate of title. The new purchaser shall be entitled to receive an original title upon presentation of the assigned duplicate copy of the certificate of title, properly assigned to the new purchaser, to the county clerk prescribed in subsection (3) of section 60-106. Any purchaser of such motor vehicle may at the time of purchase require the seller of the same to indemnify him or her and all subsequent purchasers of the motor vehicle against any loss which he, she, or they may suffer by reason of any claim presented upon the original certificate. In the event of the recovery of the original certificate of title by the owner, he or she shall forthwith surrender the same to the county clerk or the department for cancellation.

(2) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186:

(a) The department, if it finds the evidence of ownership sufficient, may authorize the designated county official to issue the certificate of title;

(b) If the record of title has been destroyed pursuant to section 60-107, the designated county official shall issue a duplicate certificate of title upon a showing the official deems sufficient; and

(c) A new purchaser referred to in subsection (1) of this section who would apply for a certificate of title in a county described in this subsection shall present the documents described in this section to the designated county official.

Sec. 6. Section 60-117, Reissue Revised Statutes of Nebraska, is amended to read:

60-117. (1) ~~Whoever shall, except~~ Except as otherwise provided for in sections 60-102 to 60-130 and sections 8 to 12 of this act, a person who ~~operates operate~~ in this state a motor vehicle for which a certificate of title is required without having such certificate in accordance with sections 60-102 to 60-130 and sections 8 to 12 of this act or upon which the certificate of title has been canceled shall be guilty of a Class III misdemeanor. †

(2) ~~Except whoever, except~~ as otherwise provided for in sections 60-102 to 60-130 and sections 8 to 12 of this act, ~~being~~ a person who is a dealer or acting on behalf of a dealer and who acquires, purchases, holds, or displays shall ~~acquire, purchase, hold, or display~~ for sale a new motor vehicle without having obtained a manufacturer's or importer's certificate or a certificate of title therefor as provided for in sections 60-102 to 60-130 and sections 8 to 12 of this act shall be guilty of a Class III misdemeanor. †

(3) A person who fails ~~whoever shall fail~~ to surrender any certificate of title or any certificate of registration or license plates or tags upon cancellation of the same by the Department of Motor Vehicles and notice thereof as prescribed in sections 60-102 to 60-130 and sections 8 to 12 of this act shall be guilty of a Class III misdemeanor. †

(4) A person who ~~whoever~~ fails to surrender the certificate of title to the county clerk as provided in sections 60-102 to 60-130 and sections 8 to 12 of this act in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title shall be guilty of a Class III misdemeanor. †

(5) A person who purports ~~whoever shall purport~~ to sell or transfer a motor vehicle without delivering to the purchaser or transferee thereof a certificate of title or a manufacturer's or importer's certificate thereto duly assigned to such purchaser as provided in sections 60-102 to 60-130 and sections 8 to 12 of this act shall be guilty of a Class III misdemeanor. †

(6) A person who ~~whoever~~ knowingly alters or defaces a Nebraska certificate of title shall be guilty of a Class III misdemeanor. † ~~or~~

(7) Except as provided in section 11 of this act, a person who violates ~~whoever shall violate~~ any of the other provisions of sections 60-102 to 60-130 and sections 8 to 12 of this act or any lawful rules or regulations adopted and promulgated pursuant to the provisions of sections 60-102 to 60-130, and sections 8 to 12 of this act shall be guilty of a Class III misdemeanor.

Sec. 7. Section 60-129, Reissue Revised Statutes of Nebraska, is

amended to read:

60-129. When an insurance company acquires a salvage vehicle through payment of a total loss settlement on account of damage, the company shall obtain the certificate of title from the owner, surrender such certificate of title to the county clerk, and make application for a salvage branded certificate of title which shall be assigned when the company transfers ownership. An insurer shall take title to a vehicle for which a total loss settlement is made.

As used in this section, salvage certificate of title shall mean a certificate issued for a vehicle which cannot be operated or has otherwise become unusable for transportation due to malfunction beyond reasonable maintenance or repair. Such certificate shall be administered in the same manner and for the same fee as provided for a certificate of title in sections 60-106 to 60-117. When a salvage certificate of title is surrendered for a certificate of title, the application for a certificate of title shall be accompanied by a statement of inspection as provided in section 60-106.

Sec. 8. Whenever a title is issued in this state for a vehicle that is designated a salvage, previously salvaged, or manufacturer's buyback, the following title brands shall be required: Salvage, previously salvaged, or manufacturer buyback. A certificate branded salvage, previously salvaged, or manufacturer buyback shall be administered in the same manner and for the same fee as provided for a certificate of title in sections 60-106 to 60-117. When a salvage branded certificate of title is surrendered for a certificate of title branded previously salvaged, the application for a certificate of title shall be accompanied by a statement of inspection as provided in section 60-106.

Sec. 9. For purposes of sections 60-129 and 60-130 and sections 8 to 12 of this act:

(1) Cost of repairs means the estimated or actual retail cost of parts needed to repair a vehicle plus the cost of labor computed by using the hourly labor rate and time allocations for automobile repair that are customary and reasonable. Retail cost of parts and labor rates may be based upon collision estimating manuals or electronic computer estimating systems customarily used in the automobile insurance industry;

(2) Late model vehicle means a vehicle which has (a) a manufacturer's model year designation of, or later than, the year in which the vehicle was wrecked, damaged, or destroyed, or any of the six preceding years or (b) a retail value of more than ten thousand dollars until January 1, 2005, a retail value of more than ten thousand five hundred dollars until January 1, 2010, and a retail value of more than ten thousand five hundred dollars increased by five hundred dollars every five years thereafter;

(3) Manufacturer buyback means the designation of a vehicle with an alleged nonconformity when the vehicle (a) has been replaced by a manufacturer or (b) has been repurchased by a manufacturer as the result of court judgment, arbitration, or any voluntary agreement entered into between the manufacturer or its agent and a consumer pursuant to sections 60-2701 to 60-2709. For purposes of this subdivision, consumer has the same meaning as in section 60-2701;

(4) Previously salvaged means the designation of a rebuilt or reconstructed vehicle which was previously required to be issued a salvage branded certificate of title and which has been inspected as provided in section 60-106;

(5) Retail value means the actual cash value, fair market value, or retail value of a vehicle as (a) set forth in a current edition of any nationally recognized compilation, including automated data bases, of retail values or (b) determined pursuant to a market survey of comparable vehicles with respect to condition and equipment; and

(6) Salvage means the designation of a vehicle which is:

(a) A late model vehicle which has been wrecked, damaged, or destroyed to the extent that the estimated total cost of repair to rebuild or reconstruct the vehicle to its condition immediately before it was wrecked, damaged, or destroyed and to restore the vehicle to a condition for legal operation upon the highways of this state, meets or exceeds seventy-five percent of the retail value of the vehicle at the time it was wrecked, damaged, or destroyed; or

(b) Voluntarily designated by the owner of the vehicle as a salvage vehicle by obtaining a salvage branded certificate of title, without respect to the damage to, age of, or value of the vehicle.

Sec. 10. A certificate of title which is issued on or after the operative date of this act shall disclose in writing, from any records readily accessible to the Department of Motor Vehicles or county officials or a law enforcement officer, anything which indicates that the vehicle was previously

issued a title in another jurisdiction that bore any word or symbol signifying that the vehicle was damaged, including, but not limited to, older model salvage, unrebuilt, parts only, scrap, junk, nonrepairable, reconstructed, rebuilt, flood damaged, damaged, buyback, or any other indication, symbol, or word of like kind, and the name of the jurisdiction issuing the previous title.

Sec. 11. Any person who knowingly transfers a wrecked, damaged, or destroyed vehicle in violation of sections 60-129 and 60-130 and sections 8 and 10 of this act is guilty of a Class IV felony.

Sec. 12. Nothing in sections 60-102 to 60-130 and sections 8 to 12 of this act shall be construed to require the actual repair of a wrecked, damaged, or destroyed vehicle to be designated as salvage.

Sec. 13. Section 60-130, Reissue Revised Statutes of Nebraska, is amended to read:

60-130. Any person who acquires ownership of a ~~salvaged salvage or manufacturer buyback vehicle~~, for which he or she does not obtain a salvage branded or manufacturer buyback branded certificate of title, ~~as defined in section 60-129~~, shall surrender the certificate of title to the county clerk and make application for a salvage branded or manufacturer buyback branded certificate of title within thirty days ~~of~~ after acquisition or prior to the sale or resale of the vehicle or any major component part, as defined in section 60-2601, of such vehicle or use of any major component part of the vehicle, whichever occurs earlier. ~~As used in this section, salvaged vehicle shall mean a vehicle which has been wrecked or damaged or has otherwise become unusable for transportation due to malfunction beyond reasonable maintenance or repair. A title issued for a vehicle for which a salvage certificate of title has been issued shall so state that fact.~~

Sec. 14. Section 60-131, Reissue Revised Statutes of Nebraska, is amended to read:

60-131. When an insurance company authorized to do business in Nebraska acquires a motor vehicle which has been properly titled and registered in a state other than Nebraska through payment of a total loss settlement on account of theft and the vehicle has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair, the company shall obtain the certificate of title from the owner and may make application for a nontransferable certificate of title by surrendering the certificate of title to the county clerk. A nontransferable certificate of title shall be issued in the same manner and for the same fee as provided for a certificate of title in sections 60-106 to 60-117 and shall be on a form prescribed by the Department of Motor Vehicles.

A vehicle which has a nontransferable certificate of title shall not be sold or otherwise transferred or disposed of without first obtaining a certificate of title under sections 60-106 to 60-130 and sections 8 to 12 of this act.

When a nontransferable certificate of title is surrendered for a certificate of title, the application shall be accompanied by a statement from the insurance company stating that to the best of its knowledge the vehicle has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair. The statement shall not constitute or imply a warranty of condition to any subsequent purchaser or operator of the vehicle.

Sec. 15. Section 60-302, Revised Statutes Supplement, 2001, is amended to read:

60-302. (1) No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated or parked on the highways of this state unless the vehicle is registered in accordance with Chapter 60, article 3. There shall be a rebuttable presumption that any vehicle stored and kept more than thirty days in the state is being operated or parked on the highways of this state and shall be registered in accordance with Chapter 60, article 3, from the date of title of the motor vehicle or, if no transfer in ownership of the motor vehicle has occurred, from the expiration of the last registration period for which the motor vehicle was registered. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has situs as defined in section 60-3001. The application shall be a copy of a certificate of title or, in the case of a renewal of a registration, the application shall be the previous registration period's certificate. A salvage branded certificate of title ~~as defined in section 60-129~~ and a nontransferable certificate of title provided for in section 60-131 shall not be valid for registration purposes.

(2) An application for registration of a motor vehicle shall be

accompanied by proof of financial responsibility or evidence of insurance covering the motor vehicle. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles. Evidence of insurance shall give the effective dates of the automobile liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered. Evidence of insurance in the form of a certificate of insurance for fleet vehicles may include, as an appropriate reference, a designation that the insurance coverage is applicable to all vehicles owned by the named insured, or wording of similar effect, in lieu of an explicit description.

(3) Any nonresident owner who desires to register a vehicle or vehicles in this state shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

(4) Each new application shall contain, in addition to other information as may be required by the department, the name and post office address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by Chapter 60, article 3. With the application the applicant shall pay the proper registration fee as provided in sections 60-305.08 to 60-339 and shall state whether the vehicle is propelled by alternative fuel as defined in section 66-686 and, if alternative fuel, the type of fuel. The form shall also contain a notice that bulk fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing the notice, for supplying the information for vehicles to be registered. The county treasurer shall include the form in each mailing made pursuant to section 60-3003. The county treasurer or his or her agent shall notify the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue whenever a vehicle powered by an alternative fuel as defined in section 66-686 is registered. The notification shall include the name and address of the registrant, the date of registration, the type of motor vehicle registered, and the type of alternative fuel used to propel the vehicle as indicated on the registration application.

(5) The county treasurer or his or her agent shall collect, in addition to the registration fees, one dollar and fifty cents for each certificate issued and shall remit one dollar and fifty cents of each additional fee collected to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(6) The county treasurer or his or her agent shall collect, in addition to other registration fees, fifty cents for each certificate issued and shall remit the fee to the State Treasurer for credit to the Nebraska Emergency Medical System Operations Fund.

(7) The county treasurer or his or her agent shall collect, in addition to other registration fees, one dollar and fifty cents for each certificate issued and shall remit the fee to the State Treasurer for credit to the State Recreation Road Fund.

(8) If a citation is issued to an owner or operator of a vehicle for a violation of this section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten days after the issuance of the citation, no prosecution for the offense cited shall occur.

(9) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 23-186, the powers and duties of the county treasurer relating to registration under sections 60-301 to 60-347 shall be performed by the designated county official.

(10) A county treasurer or county official or his or her agent may accept credit cards, charge cards, or debit cards as a means of payment for registration pursuant to section 13-609.

Sec. 16. Section 60-310, Reissue Revised Statutes of Nebraska, is amended to read:

60-310. ~~Such registration~~ (1) Registration may be renewed annually in the same manner and upon payment of the same fee as provided for the original registration. On making an application for renewal, the registration certificate for the preceding registration period shall be presented with the application.

(2) The certificate of registration and license plates furnished by the department shall be valid during the registration period for which they are issued, and, when renewal tabs furnished pursuant to section 60-311 have

been affixed ~~thereto, they~~ to the license plates, the plates shall also be valid for the registration period designated by such renewal tabs.

(3) The registration period for motor vehicles, trailers, semitrailers, and cabin trailers required to be registered as provided in section 60-302 shall expire on the first day of the month one year from the month of issuance, and renewal shall become due on such day and shall become delinquent on the first day of the following month.

~~The above provisions shall~~ (4) Subsections (1) through (3) of this section do not apply to dealer's license plates, repossession plates, and transporter plates as provided in section 60-320, which plates shall be issued for a calendar year. The registration period for vehicles licensed as apportioned vehicles as provided in section 60-305.09 shall expire December 31 of each year and shall become delinquent February 1 of the following year.

(5) Any owner who has two or more vehicles required to be registered under Chapter 60, article 3, may register all such vehicles on a calendar-year basis or on an annual basis for the same registration period beginning in a month chosen by the owner. When electing to establish the same registration period for all such vehicles, the owner shall pay the registration fee, the motor vehicle tax imposed in section 60-3002, and the motor vehicle fee imposed in section 60-3007 on each vehicle for the number of months necessary to extend its current registration period to the registration period under which all such vehicles will be registered. Credit shall be given for registration paid on each vehicle when the vehicle has a later expiration date than that chosen by the owner except as otherwise provided in sections 60-311.23 and 60-315.01. Thereafter all such vehicles shall be registered on an annual basis starting in the month chosen by the owner.

Sec. 17. Section 60-311.11, Revised Statutes Supplement, 2000, is amended to read:

60-311.11. (1) License plates issued pursuant to sections 60-305.08 and 60-311.10 to 60-311.13 shall be the same size and of the same basic design as regular license plates issued pursuant to section 60-311.

(2) The following conditions apply to all personalized message license plates:

(a) County prefixes shall not be allowed except in counties using the alphanumeric system for vehicle registration. The numerals in the county prefix shall be the numerals assigned to the county, pursuant to subsection (4) of section 60-311.01, in which the vehicle is registered. Renewal of a personalized message license plate containing a county prefix shall be conditioned upon the vehicle being registered in such county. The numerals in the county prefix, including the hyphen or any other unique design for an existing license plate style, count against the maximum number of characters allowed by subdivision (2)(c) of this section;

(b) The characters used shall consist only of letters and numerals of the same size and design and shall comply with the requirements of subdivision (1)(a) of section 60-311;

(c) A maximum of seven characters may be used, except that for motorcycles, a maximum of six characters may be used;

(d) The characters in the order used shall not conflict with or duplicate any registration number used or to be used on the regular license plates or any registration number or license plate already approved pursuant to sections 60-305.08, 60-311, and 60-311.10 to 60-311.13;

(e) The characters in the order used shall not express, connote, or imply any obscene or objectionable words or abbreviations; and

(f) An applicant receiving a personalized message license plate for a farm truck with a gross weight of over sixteen tons or a commercial truck or truck-tractor with a gross weight of five tons or over shall affix the appropriate tonnage sticker to such plate.

(3) The Department of Motor Vehicles shall have sole authority to determine if the conditions prescribed in subsection (2) of this section have been met.

Sec. 18. Section 60-311.12, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.12. (1) Application for personalized message license plates shall be made to the Department of Motor Vehicles. The department shall make available through each county treasurer or designated county official as provided in section 60-302 forms to be used for such applications.

(2) Each initial application shall be accompanied by a fee of thirty dollars. ~~Each annual~~ The fees shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(3) An application for renewal of a license number plate previously approved and issued shall be accompanied by a fee of thirty dollars. County treasurers or designated county officials collecting fees pursuant to this

subsection shall remit them The fees shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 19. Section 60-311.23, Revised Statutes Supplement, 2000, is amended to read:

60-311.23. (1) A resident of Nebraska may apply to the Department of Motor Vehicles for Nebraska Cornhusker Spirit Plates in lieu of regular license plates on an application prescribed and provided by the department for any passenger vehicle, farm truck, self-propelled mobile home, cabin trailer, or commercial truck registered for ten tons gross weight or less pursuant to section 60-302. An applicant receiving a spirit plate for a farm truck with a gross weight of over sixteen tons or for a commercial truck or truck-tractor registered for a gross weight of five tons or over shall affix the appropriate tonnage sticker to the plate. The department shall make forms available for such applications through the county treasurers or designated county officials as provided in section 60-302. Each application for initial issuance ~~or renewal~~ of spirit plates shall be accompanied by a fee of seventy dollars. An application for renewal of spirit plates shall be accompanied by a fee of seventy dollars. County treasurers or designated county officials collecting fees for renewals pursuant to this subsection shall remit them to the State Treasurer. The State Treasurer shall credit forty-three percent of the fees for initial issuance and renewal of spirit plates ~~Thirty dollars of each fee shall be credited to the Department of Motor Vehicles Cash Fund and forty dollars of each fee shall be credited~~ fifty-seven percent of the fees to the Spirit Plate Proceeds Fund.

(2) When the department receives an application for spirit plates, it shall deliver the plates to the county treasurer or designated county official of the county in which the vehicle is registered. The county treasurer or designated county official shall issue spirit plates in lieu of regular license plates when the applicant complies with the other provisions of law for registration of the vehicle. If spirit plates are lost, stolen, or mutilated, the licensee shall be issued replacement plates pursuant to section 60-324.

(3)(a) The owner of a vehicle bearing spirit plates may make application to the county treasurer or designated county official as provided in section 60-302 to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates.

(b) The owner may have the unused portion of the spirit plate fee credited to the other vehicle which will bear the plate at the rate of eight and one-third percent per month for each full month left in the registration period.

(c) Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 20. Section 60-315, Revised Statutes Supplement, 2001, is amended to read:

60-315. ~~(1)(a) Upon~~ (1) Except as otherwise provided in sections 30-311.23 and 60-315.01, (a) upon transfer of ownership of any motor vehicle or cabin trailer as defined in section 60-301, (b) in case of loss of possession because of fire, theft, dismantlement, or junking, (c) when a salvage branded certificate of title is issued, (d) whenever a type or class of motor vehicle previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees, the motor vehicle tax imposed in section 60-3002, and the motor vehicle fee imposed in section 60-3007, or (e) in case of a change in the situs of a motor vehicle as defined in section 60-3001 to a location outside of this state, the registration shall expire and the registered owner may, by returning the registration certificate, the number plates, and, when appropriate, the renewal tabs and by either making affidavit to the county treasurer or designated county official as provided in section 60-302 of the occurrence of an event described in subdivisions (a) through (d) of this subsection or, in the case of a change in situs, displaying to the county treasurer or designated county official the registration certificate of such other state as evidence of a change in situs, receive a refund of that part of the unused fees on passenger vehicles, trucks, and cabin trailers based on the number of unexpired months remaining in the registration period from the date of the event, except that when such date falls within the same calendar month in which the vehicle or trailer is acquired, no refund shall be allowed for such month. The registered owner shall make a claim for credit or refund of the unused fees within sixty days ~~from~~ after the date of the event or shall be deemed to have forfeited his or

her right to such refund. For purposes of this subsection, the date of the event shall be, in the case of a transfer or loss, the date of the transfer or loss, in the case of a change in the situs, the date of registration in another state, in the case of a legislative act, the effective date of the act, and in the case of a court decision, the date the decision is rendered. Application for registration or for reassignment of number plates and, when appropriate, renewal tabs to another motor vehicle or cabin trailer shall be made within thirty days of the date of purchase.

(2) Whenever the registered owner files an application with the county treasurer or designated county official showing that a motor vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate, the number plates, and, when appropriate, the renewal tabs or, in the case of the unavailability of such certificate or certificates, number plates, or tabs, then by making an affidavit to the county treasurer or designated county official of such disablement and removal from service, receive a credit for a portion of the registration fee from the fee deposited with the State Treasurer at the time of registration based upon the number of unexpired months remaining in the registration year except as otherwise provided in sections 60-311.23 and 60-315.01. The owner shall also receive a credit for the unused portion of the motor vehicle tax and fee based upon the number of unexpired months remaining in the registration year. When the owner registers a replacement vehicle at the time of filing such affidavit, the credit may be immediately applied against the registration fee and the motor vehicle tax and fee for the replacement vehicle. When no such replacement vehicle is so registered, the county treasurer or designated county official shall forward the application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit for the registration fee and furnish a certificate therefor to the owner. For the motor vehicle tax and fee, the county treasurer shall determine the amount, if any, of the allowable credit and furnish a certificate to the owner. When such motor vehicle is removed from service within the same month in which it was registered, no credits shall be allowed for such month. The credits may be applied against taxes and fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credits were allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the taxes and fees shall be that portion of the registration fee and the motor vehicle tax and fee for the remainder of the registration year.

(3) If a vehicle has a salvage certificate of title issued as a result of an insurance company acquiring the vehicle through a total-loss settlement, the prior owner of the vehicle who is a party to the settlement may receive a credit or refund of unused fees and taxes by (a) filing an application with the county treasurer or designated county official within thirty days after the date of the settlement stating that title to the vehicle was transferred as a result of the settlement and (b) returning the registration certificate, the license plates, and, when appropriate, the renewal tabs or, in the case of the unavailability of the certificate, plates, or tabs, filing an affidavit with the county treasurer or designated county official regarding the transfer of title due to the settlement and the unavailability of the certificate, plates, or tabs. The owner may receive a refund or credit of the registration fees for the unexpired months remaining in the registration year determined based on the date when the vehicle was damaged and became unavailable for service. The owner may receive a credit for motor vehicle taxes and fees for the unexpired months remaining in the registration year determined based on the date when the vehicle was damaged and became unavailable for service. If the vehicle was damaged and became unavailable for service during the same month in which it was registered, no refund or credit shall be allowed for such month. When the owner registers a replacement vehicle at the time of filing such affidavit, the credit may be immediately applied against the registration fee and the motor vehicle tax and fee for the replacement vehicle. When no such replacement vehicle is so registered, the county treasurer or designated county official shall refund the unused registration fees or forward the application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit for the registration fee and furnish a certificate therefor to the owner. For the motor vehicle tax and fee, the county treasurer or designated county official shall determine the amount, if any, of the allowable credit and furnish a certificate to the owner. The credits may be applied against taxes and fees for new or replacement vehicles incurred within one year after the date of the settlement.

Sec. 21. Section 60-315.01, Revised Statutes Supplement, 2000, is

amended to read:

60-315.01. (1) The owner of a vehicle bearing personalized message license plates may make application to the county treasurer or designated county official as provided in section 60-302 to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates.

(2) The owner may have the unused portion of the message plate fee credited to the other vehicle which will bear the plate at the rate of eight and one-third percent per month for each full month left in the registration period.

(3) Application for such transfer shall be accompanied by a fee of three dollars. The fees shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 22. Section 60-319, Reissue Revised Statutes of Nebraska, is amended to read:

60-319. The county treasurer or designated county official as provided in section 60-302 shall issue a combined certificate and receipt for all fees received for the registration of vehicles to the applicant for registration and forward a an electronic copy of the combined application and receipt to the Department of Motor Vehicles in a form prescribed by the department. Each county treasurer or designated county official shall make a report to the department of the number of original registrations of vehicles registered in the rural areas of the county and of the number of original registrations of vehicles registered in each incorporated city and village in the county during each month, on or before the twenty-fifth day of the succeeding month. The department shall prescribe the form of such report. When any county treasurer or designated county official fails to file such report, the department shall notify the county board of commissioners or supervisors of such county and the Director of Administrative Services who shall immediately suspend any payments to such county for highway purposes until the required reports are submitted.

Sec. 23. Section 60-328, Revised Statutes Supplement, 2000, is amended to read:

60-328. (1) The provisions of sections 60-301 to 60-326.01 relative to registration and display of registration numbers shall not apply to a motor vehicle owned by a nonresident of this state, other than a foreign corporation doing business in this state, if the owner thereof has complied with the provisions of the law of the foreign country, state, territory, or federal district of his or her residence relative to registration of motor vehicles and the display of registration numbers thereon and conspicuously displays his or her registration numbers as required thereby.

(2) The provisions of this section shall be operative as to motor vehicles owned by a nonresident of this state only to the extent that, under the laws of the foreign country, state, territory, or federal district of his or her residence, like exemptions and privileges are guaranteed to motor vehicles duly registered under the laws of and owned by residents of this state or to a vehicle duly licensed in the state of residence and operated by a nonresident agricultural worker, certified by the Department of Labor, as engaged in temporary agricultural employment in this state, for a period of not to exceed sixty days.

(3) If a truck, truck-tractor, semitrailer, or trailer is lawfully licensed under the laws of another state or province and is engaged in hauling grain or other seasonally harvested products from the field where they are harvested to storage or market during the period from June 1 to December 15 of each year or under emergency conditions, the right to operate over the highways of this state for a period of ninety days shall be authorized by obtaining a permit therefor from the county treasurer or his or her agent. Such permit shall be issued electronically upon the payment of a fee of twenty dollars for a truck or one hundred fifty dollars for any combination of truck, truck-tractor, semitrailer, or trailer. The fees for such permits, when collected, shall be remitted to ~~the Department of Motor Vehicles which shall remit them to~~ the State Treasurer for credit to the Highway Cash Fund.

Sec. 24. Section 60-2603, Reissue Revised Statutes of Nebraska, is amended to read:

60-2603. Any wrecker or salvage dealer licensed by the board pursuant to Chapter 60, article 14, having possession on August 26, 1983, of both a ~~salvaged~~ salvage vehicle and a certificate of title for such vehicle, either issued to or assigned to such a person, shall not be required to obtain a salvage branded certificate of title, ~~as defined in section 60-129,~~ for such vehicle except upon transfer of the vehicle to a person not required to be licensed as a wrecker or salvage dealer by the board.

Sec. 25. This act becomes operative on January 1, 2003.

Sec. 26. Original sections 60-107, 60-108, 60-112, 60-117, 60-129, 60-130, 60-131, 60-310, 60-311.12, 60-319, and 60-2603, Reissue Revised Statutes of Nebraska, sections 60-106, 60-110, 60-311.11, 60-311.23, 60-315.01, and 60-328, Revised Statutes Supplement, 2000, and sections 60-302 and 60-315, Revised Statutes Supplement, 2001, are repealed.